IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.894 OF 2006

In

SUIT NO.778 OF 2006

Catwalk Worldwide Pvt. Ltd. : Plaintiff

V/s.

M/s.Cat Walk : Defendant

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Mr.Rajeshwar i/b. M/s.Leega Apex for the plaintiff.

None present for the defendant though served.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 7, 2007.

P.C.

1. This is a suit for restraining the defendant from infringing the plaintiff's trade mark "CATWALK" and from restraining them from passing off their product under the mark "CAT WALK". The plaintiff is engaged in the business of manufacturing and/or marketing and/or distribution of footwear like chapels. The plaintiff's mark contains the word "CATWALK". The defendant's mark reads "CAT WALK". The plaintiff's mark appears to be registered from the renewal of registration at exh.'G' read with extract from the trade mark journal at exh.'A-1' and 'A-2'.

2. Though served, the defendant did not appear before the learned single Judge on 3.4.2006 when this Court granted an ad-interim injunction in terms of prayer clauses (a) and (b).

3. Mr.Rajeshwar, the learned counsel for the plaintiff, stated that recently when the plaintiff tried to serve the defendant, they could not do so on the ground that the defendant has left the premises. He undertakes to file affidavit of service within two days to that effect.

4. Having considered the matter and having regard to the deceptive similarity of the use by the defendant of the word mark "CAT WALK", I consider it appropriate to allow this Notice of Motion. Hence, the Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (d).

S.A. BOBDE, J.